

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**GEORGINA'S, LLC and ANTHONY'S
LITTLE G'S, LLC.**

Defendants.

CASE NO. 1:18-cv-668-
HYJ-SJB

Honorable Hala Y. Jabou

**PLAINTIFF'S EMERGENCY MOTION TO COMPEL RESPONSES TO
PLAINTIFF'S FIRST DISCOVERY REQUESTS TO DEFENDANT
ANTHONY'S LITTLE G'S**

Plaintiff Equal Employment Opportunity Commission (EEOC) submits the following as its Emergency Motion to Compel Responses to Plaintiff's First Discovery Requests to Defendant Anthony's Little G's and for Sanctions for Failure to Comply with Court Order.

1. The Court granted Plaintiff's Motion for Leave to Conduct Limited Discovery on the Issue of Successor Liability on December 8,

2020 (ECF No. 89). The Court's order permitted Plaintiff to conduct one set of written discovery and two depositions per Defendant.

2. Plaintiff served its First Set of Discovery Requests to Defendant Little G's on December 10, 2020. ECF No. 91-2. Responses were due January 9, 2020.

3. Defendant Little G's requested a 30-day extension in providing responses via a motion filed on January 8, 2021. ECF No. 91.

4. On January 12, 2021, the Court entered an order granting Defendant Little G's a 14-day extension on answering the discovery (until January 23, 2021). The Court's order further provided that no further extensions would be granted. ECF No. 93

5. Defendant Little G's has failed to comply with the terms of ECF No. 93. No responses to Plaintiff's First Discovery requests have been provided.

6. This in turn has affected the completion of other aspects of discovery. Anthony Craig, the owner of both Defendants, was subpoenaed to be deposed on January 21, 2021. Plaintiff cannot properly depose Mr. Craig absent the relevant documents requested. The deposition has been twice adjourned and is now scheduled for

February 8, 2021, the last day of the abbreviated discovery period on successor liability granted by the Court. ECF No. 89.

WHEREFORE, Plaintiff requests this Court enter an Order requiring Defendant Little G's to serve complete responses to Plaintiff's First Discovery Requests within 48 hours and ordering Little G's to pay \$500 in costs and attorney fees associated with bringing this motion.

Respectfully submitted,

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

KENNETH BIRD
OMAR WEAVER (P58861)

/s/ Miles Uhlar
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Dated: January 29, 2021

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**EQUAL EMPLOYMENT
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Plaintiff,

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**GEORGINA'S, LLC and ANTHONY'S
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Defendants.

/

**BRIEF IN SUPPORT OF PLAINTIFF'S EMERGENCY MOTION TO
COMPEL RESPONSES TO PLAINTIFF'S FIRST DISCOVERY
REQUESTS TO DEFENDANT ANTHONY'S LITTLE G'S**

Rule 37(a)(3)(B) of the Federal Rules of Civil Procedure permits a party seeking discovery to “move for an order compelling an answer, designation, production or inspection.” Fed.R.Civ.P. 37(a)(3)(B). If the motion is granted, “the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising the conduct, or both to pay the movant’s reasonable expenses incurred in making the motion, including

attorney's fees." Fed.R.Civ.P. 37(a)(5)(A). The Court may order sanctions against a party that fails to obey a discovery order. Fed.R.Civ.P. 37(b)(2)(A).

Defendant Anthony's Little G's has failed to provide discovery responses with no reasonable justification. Little G's is also in violation of a court order. It requested a 30-day extension and was given a 14-day extension to January 23, 2021, with the Court specifically noting there would be no further extensions. ECF No. 93. Little G's failure to provide discovery responses and/or comply with ECF No. 93 is hampering the completion of necessary depositions prior to the February 8, 2021 cutoff for the abbreviated discovery period on successor liability, as authorized by the court. ECF No. 89. Responses are needed prior to depositions currently scheduled for February 8, 2021.

WHEREFORE, Plaintiff requests this Court enter an Order requiring Defendant Little G's to serve complete responses to Plaintiff's First Discovery Requests within 48 hours and ordering Little G's to pay \$500 in costs and attorney fees associated with bringing this motion.

Respectfully submitted,

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

KENNETH BIRD
OMAR WEAVER (P58861)

/s/ Miles Uhlar
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miles.uhlar@eeoc.gov

Dated: January 29, 2021

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2021, I electronically filed the foregoing *Emergency Motion to Compel Responses to Plaintiff's First Discovery Requests to Defendant Anthony's Little G's* with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record *via* the Court's e-filing system.

/s/ Miles Uhlar
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